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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223192
Party	Defendant Barn Light Electric Company, LLC
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Date	09/16/2015
Attachments	Answer to Opposition 91223192.pdf(32954 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Barn Light Originals, Inc.

Opposer,

v.

Barn Light Electric Company, LLC

Applicant.

Opposition No.: 91223192

Mark: BARN LIGHT ELECTRIC COMPANY

Serial No.: 86/476,717

**BARN LIGHT ELECTRIC COMPANY, LLC'S ANSWER AND AFFIRMATIVE
DEFENSES**

Barn Light Electric Company, LLC (“Barn Light Electric” or “Applicant”), by and through its undersigned counsel, hereby responds to each of the numbered paragraphs in the Notice of Opposition filed by Barn Light Originals, Inc. on August 7, 2015 as follows:

1. Applicant is without sufficient knowledge of the information set forth in paragraph 1 of the Notice of Opposition, and therefore denies the same.
2. Applicant is without sufficient knowledge of the information set forth in paragraph 2 of the Notice of Opposition, and therefore denies the same.
3. Applicant admits that Opposer purports to be the owner of U.S. Trademark Registration 4,464,241 for the word mark BARNLIGHT ORIGINALS INC in International Class 35 for “[o]n-line retail store services featuring commercial and residential lighting, lamps and accessories.” Applicant admits that the terms “BARN LIGHT” and “INC” appear to be disclaimed in Opposer’s registration.

4. Applicant admits that Opposer purports to be the owner of U.S. Trademark Registration 4,489,514 for the stylized design mark depicted in paragraph 4 of the Notice of Opposition in International Class 35 for “[o]n-line retail store services featuring commercial and residential lighting, lamps and accessories.” Applicant admits that the terms “BARN LIGHT ORIGINALS” appears to be disclaimed in Opposer’s registration.

5. Applicant admits that Applicant owns U.S. Registration No. 3,723,964 for the word mark BARN LIGHT ELECTRIC COMPANY in connection with “The bringing together, for the benefit of others, of a variety of goods, namely, lights, lighting fixtures and ceiling fans, enabling customers to conveniently view and purchase those goods from an Internet web site particularly specializing in the marketing of the sale of goods” in International Class 035. Applicant otherwise denies the allegations of paragraph 5 of the Notice of Opposition.

6. Applicant admits that Applicant owns U.S. Registration No. 3,748,277 for a stylized design mark incorporating BARN LIGHT ELECTRIC CO. in connection with “The bringing together, for the benefit of others, of a variety of goods, namely, lights, lighting fixtures and ceiling fans, enabling customers to conveniently view and purchase those goods from an Internet web site particularly specializing in the marketing of the sale of goods” in International Class 035. Applicant otherwise denies the allegations of paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations of paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations of paragraph 8 of the Notice of Opposition.

9. Exhibit A speaks for itself. Applicant otherwise denies the allegations of paragraph 9 of the Notice of Opposition.

10. Exhibit B speaks for itself. Applicant otherwise denies the allegations of paragraph 10 of the Notice of Opposition.

11. Exhibit C speaks for itself. Applicant otherwise denies the allegations of paragraph 11 of the Notice of Opposition.

12. Applicant denies all allegations not expressly admitted herein.

AFFIRMATIVE DEFENSES

Applicant hereby asserts the following affirmative defenses without prejudice to Applicant's right to modify or withdraw any defense and/or assert additional defenses subject to information obtained through the formal discovery process. By asserting these defenses, Applicant does not assume the burden of proof on any issue or matter where the burden appropriately falls upon Opposer in this proceeding.

First Affirmative Defense

Opposer has failed to state a claim upon which relief can be granted.

Second Affirmative Defense

Opposer's claims are barred by the doctrines of unclean hands and inequitable conduct.

Third Affirmative Defense

Opposer's claims are barred because Barn Light Electric is the true, prior owner of the marks BARN LIGHT ELECTRIC COMPANY and BARN LIGHT ELECTRIC CO., and thus Opposer's purported BARN LIGHT ORIGINALS mark is invalid.

Fourth Affirmative Defense

Opposer lacks standing and therefore fails to state a cause of action.

Fifth Affirmative Defense

Applicant's mark has acquired distinctiveness under 15 U.S.C. §1052(f).

WHEREFORE, Applicant respectfully requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition in its entirety with prejudice and allow Applicant's mark for BARN LIGHT ELECTRIC COMPANY to subsist on the Principal Register.

Dated: September 16, 2015

Respectfully Submitted,

Barn Light Electric Company, LLC

By: /agk/

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CERTIFICATE OF ELECTRONIC FILING
AND CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO THE NOTICE OF OPPOSITION** is being submitted electronically via the Electronic Filing System for Trademark Trial and Appeals on this 16th day of September, 2015.

I further hereby certify that a true and complete copy of the foregoing **ANSWER TO THE NOTICE OF OPPOSITION** has been served on Opposer by mailing said copy on this 16th day of September, 2015 by electronic mail to:

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/agk/

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